THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26060 OF 2005

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Dated: 06-12-2005

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Between

Reddi Rangamma, W/o. Tata Rao, Occ: Fruits Business, R/o. D.No.15-81-E4, Chintalakalva Bund, N.T.R. Stadium West Side, Gudivada, Krishana District and others.

...PETITIONERS

AND

The Gudivada Municipal Council, Gudivada, Krishna District, rep. by its Commissioner.

...RESPONDENT

ORDER:

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Petitioners seek a Writ of Mandamus to declare the action of the respondents in taking steps to demolish their Buddies installed on Chintalakalva Bund, Western side of N.T.R. Stadium, Gudivada Town, Krishna District as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are the residents of Gudivada town and eking out their livelihood by doing petty works since last 30 years by installing buddies on the poramboka land of the Chintalakalva Bund, situated on the western side of the NTR stadium, Gudivada. Originally the said land belonged to Irrigation Department and it is vested to the respondent municipality under Section 37 of the Municipalities Act. While so, the respondent authorities are threatening to remove the said buddies and no notice whatsoever has been issued. Petitioners filed a representation dated 24.11.2005 before the respondent authorities to consider their grievances and requested to

make alternate arrangements for them. But the respondents without considering the said representation are taking steps to demolish the buddies of the petitioners.

Without expressing any opinion on the merits of the case and as the representation filed by the petitioners is pending before the respondent authorities, this Court deems it appropriate to direct the respondent authorities to consider and dispose of the representation of the petitioners dated 24.11.2005 in accordance with law after giving reasonable opportunity to the petitioners and till then the petitioners may not be evicted from their respective buddies without following due process of law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 6, 2005

Note: Furnish C.C. of the order by 08.12.2005

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